

12 January 2009

MEMORANDUM TO THE INSPECTOR GENERAL

FOR OFFICIAL USE ONLY

From: N02IG1

To: N02IG *92 12 Jan 09*

Subj: USFF HOTLINE COMPLAINT 200800189; ALLEGED FRATERNIZATION ICO [REDACTED]
[REDACTED], CO, VFA-143 AND [REDACTED]
VFA-143

Ref: (a) USFF Hotline complaint of 13 FEB 08
(b) Memo to Inspector General of 23 Jun 08
(c) E-mails from CNAL ([REDACTED] and [REDACTED] of 2 Oct 08
(d) USFF ltr 5041 Ser N02IG12/115 of 27 Oct 08
(e) CNAL ltr 5800 Ser N01L/237 of 1 Dec 08

Encl: (1) CNAL ltr 5041 Ser N01IG/17 of 9 Jun 08

1. Reference (a) was an anonymous complaint received telephonically via the USFF Hotline alleging that CDR [REDACTED] (CO, VFA-143) and [REDACTED] [REDACTED], VFA-143) were fraternizing with each other.

2. Reference (b) was prepared to endorse and document the completion of inquiry and corrective action provided by enclosure (1). Enclosure (1) addressed a single allegation, but also identified substandard conduct by other members in the chain of command for which corrective action was recommended and taken. Accordingly, reference (b) addressed the additional members' wrongdoing in emerging allegations. Through reference (c), the Commander Naval Air Force Atlantic (CNAL) Inspector General and Staff Judge Advocate articulated disagreement with the substantiation of two of the emerging allegations. Reference (d) requested CNAL provide justification for reversal of the findings. Reference (e) provided the CNAL rationale that had been previously discussed and agreed upon by all concerned. Accordingly, the substantiated allegation addressed in enclosure (1) and the additional emerging allegations are discussed as follows:

a. Allegation 1, that [REDACTED], CO, VFA 143, and [REDACTED] [REDACTED] VFA 143, engaged in an unduly familiar relationship, in violation of OPNAVINST 5370.2b, (Navy Fraternization Policy), is substantiated.

(1) There was convincing testimony from multiple witnesses that established [REDACTED] and [REDACTED] were engaged in an unduly familiar relationship that constituted violation of the Navy fraternization policy. Particularly alarming was the testimony that CDR [REDACTED] was observed as he parked his truck in a Norfolk restaurant parking lot and proceeded across the street to an apartment occupied by [REDACTED]. The witness stated [REDACTED] was sitting on a banister dressed in "short shorts" and "a pink tank top" and that [REDACTED] walked up to the front door where [REDACTED] hugged him prior to the two

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entering the apartment. When the witness departed the restaurant three hours later, CDR [REDACTED] truck was still in the parking lot.

(2) Many witnesses stated they were concerned about the relationship between [REDACTED] and [REDACTED]. [REDACTED] was approached no less than eight times by personnel regarding the perception of fraternization. While CDR [REDACTED] was serving as Executive Officer, prior to "fleeting up" to [REDACTED], he was counseled by [REDACTED] on two separate occasions regarding the perception of fraternization. Multiple Department Heads also stated they had approached CDR [REDACTED] about their perceptions and those of the VFA-143 junior officers relative to the perception of an inappropriate relationship. A command safety survey in March 2007 identified the perception that the [REDACTED] had too much influence with the CO and it appeared the command had two COs. Several personnel stated they were of the opinion that [REDACTED] had lost his objectivity and took the recommendations of the [REDACTED] over the Department Heads. There were many instances identified by witnesses in which CDR [REDACTED] and [REDACTED] were spending an inordinate amount of time together, both on and off duty. One witness stated that while on liberty in Rome, the [REDACTED] had been observed sitting on the CO's lap. Another witness stated he observed the [REDACTED] with her hands up the CO's shirt after exiting the bar.

(3) Though CDR [REDACTED] and [REDACTED] both denied an unduly familiar relationship, many witnesses stated their relationship was "in your face" and there was little doubt that it was inappropriate and more than a professional CO [REDACTED] relationship. It is further troubling that despite being approached on numerous occasions as far back as 2006, CDR [REDACTED] took no action to correct or mitigate the perception of an unduly familiar relationship that existed. The allegation is substantiated.

(4) Corrective Action: CDR [REDACTED] was relieved of command on 5 May 2008 due to loss of confidence. On 22 May 2008, he appeared at NJP for a violation of UCMJ Article 92 (Fraternization) and received a punitive Letter of Admonition.

b. Allegation 2 (emerging), that [REDACTED], [REDACTED] VFA 143, and CDR [REDACTED] CO, VFA 143, engaged in an unduly familiar relationship in violation of OPNAVINST 5370.2b, (Navy Fraternization Policy), is substantiated.

(1) See the discussion in allegation 1 above.

(2) Corrective Action: [REDACTED] had executed PCS orders prior to the completion of this investigation and the results were forwarded to her current command, Expeditionary Strike Group TWO (ESG-2), for action as deemed appropriate. ESG-2 reported that [REDACTED] submitted a request for immediate retirement and will imminently be commencing terminal leave. Due to her request for immediate retirement, ESG-2 does not intend to pursue any disciplinary measures against her at this time.

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[REDACTED] CO, VFA-143 AND [REDACTED]
VFA-143

c. Allegation 3 (emerging), that [REDACTED] failed to take action after being notified of potential fraternization by CDR [REDACTED] and [REDACTED] in violation of Navy Regulations, Chapter 11, Article 1137 (Obligation to Report Offenses), is unsubstantiated.

(1) [REDACTED] reported to VFA-143 as Executive Officer on 1 February 2008. When interviewed, he stated he was aware of the rumor of fraternization between the CO and [REDACTED]. In fact, he had heard the rumor from an officer in another squadron. When asked if he had discussed the rumor with CDR [REDACTED], he stated he had not. [REDACTED] had an obligation as a Naval Officer to report offenses that he had observed. In this case [REDACTED] had been aboard the command for less than one month, and though he had heard rumors, he had not observed misconduct relative to this matter. As a result, the elements required for violation of Navy Regulations were not met; the finding of reference (b) is reversed; and the allegation is unsubstantiated. The chain of command was disappointed that [REDACTED] did not discuss the rumors he had heard with CDR [REDACTED], and for this lapse in judgment he was counseled by Commander, Carrier Air Wing SEVEN.

d. Allegation 4 (emerging), that [REDACTED], COMCARAIRWING SEVEN, failed to notify the chain of command after receiving a report of the perception of an unduly familiar relationship between CDR [REDACTED] and [REDACTED] in violation of Navy Regulations, Chapter 11, Article 1137 (Obligation to Report Offenses), is unsubstantiated.

(1) [REDACTED] received a comment regarding the perception of an unduly familiar relationship from a Chief Petty Officer assigned to the ship. Though he related the comment to CDR [REDACTED], he failed to address the issue with [REDACTED], Commander Carrier Air Wing SEVEN or his Deputy. As discussed above in Allegation 3, [REDACTED] was aware of a comment and had not observed misconduct relative to this matter. Accordingly, the elements required for violation of Navy Regulations were not met; the finding of reference (b) is reversed; and the allegation is unsubstantiated. The chain of command was disappointed that [REDACTED] did not discuss the comments he had heard with [REDACTED] or the Commander or Chief of Staff at Carrier Air Wing SEVEN, and for this lapse in judgment he was counseled by Commander, Carrier Air Wing SEVEN.

2. Corrective action has been completed. Recommend this case be closed as SUBSTANTIATED, with no further action required.

(b)(6)

PSM:

CLOSE: 22 12 Feb 09

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DEPARTMENT OF THE NAVY
COMMANDER NAVAL AIR FORCE ATLANTIC
1279 FRANKLIN ST
NORFOLK, VIRGINIA 23511-2494

5041
Ser N01IG/17
9 Jun 08

From: Commander, Naval Air Force Atlantic
To: Commander, U.S. Fleet Forces Command

Subj: NAVY HOTLINE COMPLAINT 200800189; ALLEGED FRATERNIZATION
ICO [REDACTED], CO, VFA 143 AND [REDACTED]
[REDACTED] VFA 143

Ref: (a) USCFFC ltr 5041 Ser N02IG11/027 dtd 10 Mar 08
(b) SECNAVINST 5370.5B
(c) NAVINSGEN Investigations Manual (July 1995)
(d) COMNAVAIRLANT ltr 5041 Ser N01IG/11 dtd 16 Apr 08
(e) COMCARAIRWING SEVEN ltr 5041 Ser 00/069 dtd 3 Jun 08
(f) E-mail btwn [REDACTED], ESG2 COS and [REDACTED]
[REDACTED] COMNAVAIRLANT IG dtd 4 Jun 08

Encl: (1) Hotline Completion Report dtd 10 Apr 08
(2) COMNAVAIRLANT FJA Legal Review dtd 14 Apr 08

1. Reference (a) forwarded subject allegations for investigation in accordance with references (b) and (c). Enclosure (1) forwards the COMNAVAIRLANT Inspector General Hotline Completion Report substantiating the allegation of fraternization between CO, VFA 143 and [REDACTED]. Enclosure (2) forwards the required legal review in accordance with reference (b).

2. Reference (d) forwarded enclosure (1) to Commander, Carrier Air Wing SEVEN (COMCARAIRWING SEVEN) for corrective action in the case of [REDACTED] and [REDACTED]. COMCARAIRWING SEVEN initiated a command investigation which also substantiated the allegation of fraternization between [REDACTED] and [REDACTED]. Reference (e) reported COMCARAIRWING SEVEN's actions, as follows:

a. [REDACTED] was relieved of command on 5 May 2008 for loss of confidence. On 22 May 2008 he appeared at NonJudicial Punishment for a violation of UCMJ Article 92 and was awarded a letter of admonishment. He is temporarily assigned to Commander, Strike Fighter Wing Atlantic while awaiting administrative completion of "detach for cause" paperwork.

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[REDACTED] VFA 143

b. COMCARAIRWING SEVEN counseled [REDACTED], the Executive Officer of VFA 143 and [REDACTED], of COMCARAIRWING SEVEN for failing to notify their chain of command of information regarding indications of potential fraternization.

c. [REDACTED] executed Permanent Change of Station (PCS) orders to Expeditionary Strike Group TWO (ESG TWO) prior to COMCARAIRWING SEVEN's receipt of reference (d). As a result, COMCARAIRWING SEVEN forwarded a copy of the command investigation to ESG TWO for action as deemed appropriate.

3. Reference (f) documented ESG-2 took appropriate administrative action in the case of [REDACTED] [REDACTED]. She has submitted a request for immediate retirement.

4. All parties have been held accountable. Accordingly, COMNAVAIRLANT recommends this case be closed as substantiated.


JOHN W. GOODWIN

DOD/NAVY HOTLINE COMPLETION REPORT
10 APRIL 2008

1. Investigators and Identifying Information and Location of Working Papers

a. Investigators and Identifying Information.

(1) [REDACTED] COMNAVAIRLANT IG, 757-322-[REDACTED]
[REDACTED]@navy.mil

(2) [REDACTED] COMNAVAIRFOR Deputy Comptroller,
757-322-[REDACTED]@navy.mil

(3) HMCS (FMF/SW) [REDACTED] COMNAVAIRLANT Force Equal
Opportunity Advisor, 757-444-[REDACTED]@navy.mil

b. Location of working papers.

Commander Naval Air Force Atlantic
1279 Franklin Street
Norfolk, VA 23511-2494

2. Background and Summary

a. Hotline Control #s and Origin of Complaint.

(1) NAVY 200800189

(2) Anonymous phone call

b. Summary of Complaint. On 13 February 08, the COMNAVAIRLANT IG was notified of an incoming hotline case alleging [REDACTED] CO, VFA 143 was fraternizing with [REDACTED] VFA 143. An anonymous complainant alleged the fraternization began when [REDACTED] was the XO and has continued.

c. Summary of outcome of investigation. A hotline investigation was conducted at Carrier Air Wing 7, Oceana Naval Air Station, Virginia Beach, VA, during the period 26 March 08 - 1 April 08. A total of 30 witnesses were interviewed. The investigators substantiated the allegation of fraternization between [REDACTED] CO, VFA 143 and his [REDACTED] based on a preponderance of the testimony of witnesses that a perception of fraternization between the CO and [REDACTED] exists within VFA 143.

3. First allegation. That [REDACTED] CO, VFA 143, and [REDACTED] VFA 143, are engaged in an unduly familiar relationship in violation of OPNAVINST 5370.2B, Navy Fraternalization Policy.

FINDING: SUBSTANTIATED

a. Facts

(1) OPNAVINST 5370.2B establishes policy with regard to fraternization and personal relationships and states:

(a) "Personal relationships between officer and enlisted members which are unduly familiar and do not respect differences in rank and grade are prohibited and violate long-standing custom and tradition of the naval service."

(b) ... "unduly familiar personal relationships between officers and enlisted members have traditionally been contrary to naval custom, because they undermine the respect for authority which is essential to the Navy's ability to accomplish its military mission."

(c) "Personal relationships between officer and enlisted members which are unduly familiar and that do not respect differences in grade or rank are prohibited. Such relationships are prejudicial to good order and discipline and violate long-standing traditions of the naval service."

(d) "Prejudice to good order and discipline and discredit to the naval service may occur when the degree of familiarity between a senior and a junior in grade or rank is such that the senior's objectivity is called into question. This loss of objectivity by the senior may result in actual or apparent preferential treatment of the junior, and use of the senior's position for the private gain of either the senior or junior member. The actual or apparent loss of objectivity by a senior may result in the perception in which the senior is no longer capable or willing to exercise fairness and make judgments on the basis of merit. Unduly familiar relationship that so undermines the leadership authority of a senior or that compromised the chain of command (i.e., where there is a direct senior-subordinate relationship) is inappropriate and prohibited."

(e) "The responsibility for preventing inappropriate relationships must rest primarily on the senior. While the senior party is expected to control and preclude the development

of inappropriate relationships, this policy is applicable to both members and both are accountable for their own conduct.

(2) [REDACTED] served as the Executive Officer, VFA 143 from Jun 04 to Oct 05 and as Commanding Officer, VFA 143 from Oct 05 to Feb 07.

(3) [REDACTED] served as the Executive Officer, VFA 143 and assumed Command of VFA 143 in Feb 07.

(4) [REDACTED] was assigned as the [REDACTED] VFA 143 and reported Sep 05.

(5) VFA 143 was embarked on USS EISENHOWER (CVN 69) during the periods 12 Apr - 10 May 06 and 3 Oct 06 thru 23 May 07.

(6) VFA 143 was without an assigned XO during the period 29 Nov 07 - 31 Jan 08, a period of two months.

b. Analysis/Discussion/Conclusion.

(1) Interviews provided the following information:

(a) One witness began to question the relationship between [REDACTED] and [REDACTED] during the ship's COMPTUEX from 12 Apr - 10 May 06 after noticing them together every day and while on liberty. In addition, he stated he was confronted by personnel from other Squadrons regarding a perception of fraternization.

(b) One witness observed [REDACTED] pull into a Norfolk Restaurant parking lot, park his truck, and proceed across the street to an apartment occupied by [REDACTED] in the Aug 06 timeframe at about 1100. The witness stated [REDACTED] was sitting on a banister dressed in "short shorts" and a "pink tank top." The witness observed [REDACTED] walk up to the front door where [REDACTED] hugged him prior to the two of them entering the apartment. When the witness departed the restaurant at about 1400, [REDACTED] truck was still parked in the parking lot; a timeframe of three hours.

[REDACTED] stated he did go to [REDACTED] home to pick up the Chief FITREPs from her. He stated while there, she spoke to him about a command issue that was personal. He noted

he was there about a half-hour. He stated he did not remember hugging [REDACTED] [REDACTED]

[REDACTED] [REDACTED] explained that [REDACTED] [REDACTED] stopped by her home to pick up the Chiefs FITREPs because he was in the area. She denied embracing [REDACTED] [REDACTED]. She also stated that she spoke with [REDACTED] [REDACTED] about a personal command issue. When asked by the investigators what the issue was, she was hesitant to discuss but eventually conceded that it concerned inappropriate behavior toward her by another member of the command.

(c) One witness testified about receiving a second hand complaint from a Squadron Petty Officer that [REDACTED] [REDACTED] had been observed at [REDACTED] [REDACTED] home around Sep 06. The observer stated [REDACTED] [REDACTED] walked up to [REDACTED] [REDACTED] home and embraced her when she opened the door. The witness receiving the complaint contacted [REDACTED] [REDACTED], the Discipline Officer assigned to the COMNAVAIRLANT Force Judge Advocate's office for advice. He advised the officer to bring the issue to the CO's ([REDACTED] [REDACTED]) attention; and, if comfortable, to bring it to [REDACTED] [REDACTED] attention as well. The witness stated the issue was brought first to [REDACTED] [REDACTED] attention and during discussions with him indicated the issue would be brought to the CO's attention as well. Before the witness was able to bring it to the CO's attention, [REDACTED] [REDACTED] and [REDACTED] [REDACTED] entered the CO's office to explain themselves.

[REDACTED] [REDACTED] stated [REDACTED] [REDACTED] spoke with him about perceptions and fraternization and voiced his belief that there was nothing improper going on between the two of them.

(d) The Command underwent a safety survey in March 2007. The results indicated poor morale among the junior officers as it related to trust in the chain of command. One of the Department Heads took the worst results and surveyed the junior officers in an attempt to get anonymous feedback in identifying issues. One issue identified was [REDACTED] [REDACTED] relationship with [REDACTED] [REDACTED] and the perception that the [REDACTED] [REDACTED] had too much input and it looked like the Command had two COs. Several personnel stated they were of the opinion that [REDACTED] [REDACTED] lost his subjectivity and took the recommendations of the [REDACTED] [REDACTED] over the Department Heads. The results were discussed with the CO to include discussing the perception of an inappropriate relationship between the CO and

█████ One witness commented that the relationship issue "overshadowed everything on the safety survey".

(e) Several Department Heads stated they spoke directly with █████ █████ about their perception and the perception of the junior officers that he was having an unduly familiar relationship with █████ █████. It was noted █████ █████ told them he would change the perception but no one interviewed could attest to any changes.

When questioned, █████ █████ stated he was approached by his Department Heads about the perception of an inappropriate relationship but that he denied there was anything inappropriate and therefore that he didn't need make any changes.

█████ █████ also indicated that █████ █████, Carrier Air Wing 7 spoke with him after the cruise regarding rumors of a perception. █████ █████ denied any knowledge of rumors or perceptions of an unduly familiar relationship between █████ █████ and █████ █████ until notified of the hotline complaint in late March 2008.

(f) Witnesses commented about the time █████ █████ and █████ █████ spent together. For example, the comment mentioned the most was the fact that the two PT together constantly, while on cruise (at all hours) and after cruise. It was noted that the two were on liberty together although sometimes other officers or Chief Petty Officers accompanied them. Additionally, it was commented that the █████ frequented the Ready Room for what appeared to be social interaction with the CO.

█████ █████ stated that he and the █████ did run together and that it was one of the ways they discussed squadron issues. With regard to liberty, █████ █████ stated they did go on liberty together and were with other people with the exception of one time when the two of them went to shoot skeet. █████ █████ and █████ █████ both explained their presence in the Ready Room as a way for the two of them to discuss Squadron issues without being in his Stateroom or her office which was shared with seven other █████

(g) One witness testified that while in port in Rome, the █████ was observed in a bar on the CO's lap and he had his arms wrapped around her. Another witness testified he observed the █████ with her hands up the CO's shirt after exiting the bar.

██████████ and ██████████ both denied witness testimony of inappropriate conduct.

(h) Another witness stated he witnessed a flirtatious exchange between the CO and ██████████ about who performed better on their individual PRT.

(i) There were rumors of ██████████ ██████████ being seen keying into the CO's stateroom. The explanation offered by both ██████████ and ██████████ was that the CO was TAD off the ship and left his key with the ██████████ so she could have access to the POTS telephone line.

(j) Several witnesses expressed dismay that the ██████████ did not execute previously received orders. They noted her relief was on board and one day "mysteriously disappeared" and the ██████████ stayed.

The explanation offered by both ██████████ and ██████████ was that ██████████ was in receipt of orders; her relief was on board when her Detailer called her and advised that the Admiral assigned to ESG2 was requesting her as his ██████████ ██████████ explained her desire not to report while the command was at sea due to her husband's recent diagnosis with brain cancer. As a result, ██████████ accepted the orders to ESG2 and extended at VFA 143 and her relief took the orders she had in hand.

(k) One witness stated he was on cruise at the same time but with a different Squadron and heard rumors of an unduly familiar relationship between ██████████ and ██████████. The individual noted the perception with the officers was that the relationship between the two was not only unduly familiar but physical as well. The individual expressed concern from a safety stand point that the relationship issue "does not make for a great environment."

(l) Several witnesses stated the relationship between the CO and ██████████ had an "in your face dynamic". Additionally, several witnesses stated the two spent a "significant amount of time together" in comparison to other CO/██████████ relationships they had observed.

(m) One witness commented that while in port, the CO had been issued an international cell phone and when trying to reach the CO the ██████████ answered the phone.

(n) Several witnesses commented on the body language between the CO and [REDACTED]

(o) Several witnesses, on their first tour, first cruise commented that while they heard rumors, they did not see anything that led them to question the relationship between the CO and [REDACTED]

(p) A few witnesses expressed their opinion that if the [REDACTED] were male, the observations would be less critical.

(q) Several witnesses expressed anger, frustration, and a lack of respect for [REDACTED] [REDACTED] for not taking appropriate action when the issue of fraternization was first brought to his attention in the fall of 2006.

(r) [REDACTED] of VFA 143 reported on board on 1 Feb 08. When interviewed he stated he was aware of a rumor of fraternization between the CO and [REDACTED] and heard of the rumor from an officer in another squadron. When asked if he mentioned the rumor to [REDACTED] [REDACTED] he stated he did not; that rumors ruin careers and marriages and he intended to sit back and make his own observations and if he had concerns he would address the CO at that time.

(s) [REDACTED], the Deputy Commander Carrier Air Wing 7 stated he had no knowledge of any rumors or a perception of fraternization involving [REDACTED] [REDACTED] and [REDACTED] [REDACTED]. He spoke highly of [REDACTED] [REDACTED] integrity and accomplishments as CO of VFA 143.

(t) [REDACTED], Commander Carrier Air Wing 7 stated he had no knowledge of any rumors or a perception of fraternization involving [REDACTED] [REDACTED] and [REDACTED] [REDACTED]. He too spoke highly of both individuals and noted how, as a team they had brought the Squadron a long way and were just short of being the Carrier Air Wing nominee for the Battle "E". [REDACTED] added that [REDACTED] [REDACTED] was his #1 Squadron CO and that [REDACTED] [REDACTED] was his #1 Squadron [REDACTED]

(2) While analyzing the information provided and in an effort to determine systemic weaknesses, the investigators concluded the following:

(a) [REDACTED] [REDACTED] was approached approximately eight times by personnel regarding the perception of fraternization.

(1) While serving as the CO, [REDACTED] addressed [REDACTED] on two different occasions.

(2) Several command personnel discussed the perception directly with [REDACTED] as a group and individually to no avail. Further discussions were not attempted for fear of career repercussions.

(3) The Carrier Air Wing SEVEN [REDACTED] received a comment regarding a perception of fraternization from an Chief Petty Officer assigned to the ship and relayed the comment to [REDACTED]. However, he did not address the issue with Carrier Air Wing SEVEN or his Deputy.

(b) While in Command of VFA 143, [REDACTED] informed [REDACTED] on one occasion there was a perception of fraternization.

(c) While there were rumors circulating in the Chiefs Mess and the female berthing, no one from the Chiefs Mess mentioned the rumors or a perception of an unduly familiar relationship to [REDACTED].

c. Recommendations

(1) That Commander Carrier Air Wing SEVEN take appropriate action to hold [REDACTED] accountable for not notifying [REDACTED] and Carrier Air Wing SEVEN and his Deputy of the perception of an unduly familiar relationship between [REDACTED] and [REDACTED].

(2) That Commander Carrier Air Wing SEVEN take appropriate action to hold [REDACTED] accountable for not notifying [REDACTED] of the rumor of an unduly familiar relationship with [REDACTED].

(3) That Commander Carrier Air Wing SEVEN take appropriate action to hold [REDACTED] accountable for the substantiated allegation of fraternization.

(4) That Commander Carrier Air Wing SEVEN take appropriate action to hold [REDACTED] accountable for the substantiated allegation of fraternization.

d. Disposition. Pending.

4. Interviews and Documents

a. Interviews conducted.

(1) [REDACTED] CO, VFA 143 was interviewed in person.

(2) [REDACTED] VFA 143 was interviewed in person.

(3) [REDACTED], the former CO, VFA 143, was interviewed in person.

(4) [REDACTED], the former XO, VFA 143, was interviewed telephonically.

(5) [REDACTED], Commander Carrier Air Wing 7 was interviewed in person.

(6) [REDACTED], Deputy Commander Carrier Air Wing 7 was interviewed in person.

(7) [REDACTED], Commander Master Chief, Commander Carrier Air Wing 7 was interviewed in person.

(8) An additional 25 members and former members of VFA 143 were interviewed in connection with this investigation. It is noted that the interviewees were extremely uncomfortable having to provide testimony in relation to their Commanding Officer and [REDACTED]. Accordingly, to protect their identity, the specific names of the majority of the individuals interviewed are held by the COMNAVAIRLANT Inspector General.

b. Documents reviewed.

(1) OPNAVINST 5370.2B

(2) VFA 143 ODCR

5041
N01L
14 Apr 08

From: Force Judge Advocate, Naval Air Force Atlantic
To: Commander, Naval Air Force Atlantic *G 1/15*
Via: Inspector General, Naval Air Force Atlantic

Subj: LEGAL REVIEW OF COMNAVAIRLANT INSPECTOR GENERAL
INVESTIGATION 200800189; COMPLAINTS IN THE MATTER OF [REDACTED]
[REDACTED] USN, AND [REDACTED] [REDACTED]

Ref: (a) COMNAVAIRLANT IG Report of 10 Apr 08
(b) SECNAVINST 5370.5B

1. Reference (a) has been received and reviewed for legal sufficiency in accordance with reference (b). This investigation centers on alleged leadership failures, improper personal relations, and potential command degradation through the actions of [REDACTED] Commanding Officer, VFA-143 and his [REDACTED] [REDACTED]. Specific information is provided below:

(a) **ALLEGATION 1:** That [REDACTED] CO, VFA-143, and [REDACTED] VFA-143, are engaged in an unduly familiar relationship in violation of OPNAVINST 5370.2B, Navy Fraternization Policy.

IG FINDING: SUBSTANTIATED

Legal Review: Concur. It is clear from the IG investigation that [REDACTED] and [REDACTED] were engaged in a long-term relationship that was unduly familiar. The investigation references a number of witnesses who directly observed behavior that would properly be characterized as fraternization. While [REDACTED] and [REDACTED] offer innocent explanations or outright denials, the number of directly observed incidents would lead a reasonable person to conclude that the two were engaged in an unduly familiar relationship. Additionally, the fact that [REDACTED] was approached on many occasions concerning the perception of fraternization and that he did nothing to address it strongly calls into question his ability to command. The record indicates that he was on notice of a perception of fraternization as far back as 2006.

The four recommendations for corrective action by the IG are appropriate and supported by the investigation. [REDACTED] [REDACTED]

and [REDACTED] [REDACTED] should be held accountable for their unduly familiar relationship. The Commander Carrier Air Wing SEVEN should also seriously consider whether [REDACTED] [REDACTED] should remain in command. Not only did [REDACTED] [REDACTED] damage the reputation of the Squadron, he also failed to take corrective action to eliminate the perception that permeated the command. Even if [REDACTED] [REDACTED] was sincere in his belief that he was not carrying on an inappropriate relationship with his [REDACTED] [REDACTED] he had a duty as a Commanding Officer to take action to eliminate the perception problem to restore confidence in his ability to command and rehabilitate the morale of the squadron. While the IG investigation does not make a specific recommendation of a forum for disposition of this matter, non-judicial punishment for the misconduct detailed in the investigation would be appropriate for both the CO and the [REDACTED]

The failure of [REDACTED] and [REDACTED] to notify appropriate elements of the chain of command of the widespread perception of an unduly familiar relationship also provides a valid basis for corrective action. At a minimum both [REDACTED] and [REDACTED] should receive verbal counseling or a Non-Punitive Letter of Caution to address their obligation to report violations of the UCMJ and/or issues that demand intervention and correction.

2. I concur that this investigation and its findings, subject to the above, be forwarded to Commander, Naval Air Force Atlantic, for review and formal action consistent with the recommendations as noted.

Very Respectfully,

(b)(6)

